

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	No. 08 CR 888
Government,	)	
	)	Chicago, Illinois
vs.	)	
	)	July 29, 2010
ROD BLAGOJEVICH,	)	
ROBERT BLAGOJEVICH,	)	
	)	10:04 o'clock a.m.
Defendants.	)	

VOLUME 34  
TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JAMES B. ZAGEL  
AND A JURY

For the Government:

THE HONORABLE PATRICK J. FITZGERALD,  
UNITED STATES ATTORNEY  
BY: Reid J. Schar  
Carrie E. Hamilton  
Christopher Niewoehner  
Assistant United States Attorneys  
219 South Dearborn Street  
Suite 500  
Chicago, Illinois 60604

Court Reporter:

Blanca I. Lara, CSR, RPR  
219 South Dearborn Street  
Room 2504  
Chicago, Illinois 60604  
(312) 435-5895

1 APPEARANCES (continued:)

2 For Defendant Rod Blagojevich:

3 KAPLAN & SOROSKY  
4 BY: Sheldon M. Sorosky  
158 West Erie  
5 Chicago, Illinois 60610  
(312) 640-1776

6 LAW OFFICE OF SAMUEL E. ADAM  
7 BY: Samuel Forbes Adam  
Samuel Adams, Jr.  
8 6133 South Ellis Avenue  
Suite 200  
9 Chicago, Illinois 60637  
312-726-2326

10  
11 OFFICES OF AARON B. GOLDSTEIN  
12 BY: Aaron Benjamin Goldstein  
6133 South Ellis  
13 Chicago, Illinois 60637  
(773) 752-6950

14 OFFICES OF LAUREN FAUST KAESEBERG  
15 BY: Lauren Faust Kaeseberg  
2140 N. Lincoln Park West  
16 Suite 307  
Chicago, Illinois 60614  
(773) 517-0622

17 LAW OFFICES of MICHAEL GILLESPIE  
18 BY: MICHAEL GILLESPIE  
53 West Jackson Boulevard  
19 Suite 1420  
Chicago, Illinois 60604  
20 (312) 726-9015

21

22

23

24

25

1 APPEARANCES (continued:)

2

3 For Defendant Robert Blagojevich:

4 ETTINGER, BESBEKOS, PARISI  
5 BY: Michael D. Ettinger  
6 Cheryl Ann Schroeder  
7 12413 South Harlem  
Suite 203  
Palos Hills, Illinois 60453  
(708) 598-1111

8  
9 Edelman, Combs, Lattuner & Goodwin LLC  
BY: Robyn S. Molaro  
10 120 S. LaSalle  
Suite 1800  
11 Chicago, Illinois 60603  
(708) 598-1111

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF EXAMINATION

WITNESS PAGE

Jury Question..... 6487

EXHIBITS

.....

1 (The following proceedings were had out of the  
2 presence of the jury in open court:)

3  
4 JURY QUESTION

5  
6 THE CLERK: 2008 CR 888, United States versus  
7 Blagojevich, et al.

8 Please be seated.  
9 Counsel.

10 MR. SCHAR: Good morning, Your Honor.  
11 Reid Schar, Chris Niewoehner and Carrie  
12 Hamilton on behalf of the United States.

13 MR. GILLESPIE: Your Honor, good morning.  
14 Mike Gillespie on behalf of Mr. Blagojevich.

15 MR. ETTINGER: Good morning, Your Honor.

16 MR. SOROSKY: Sheldon Sorosky, S-o-r-o-s-k-y,  
17 on behalf of Mr. Blagojevich.

18 MR. ETTINGER: Michael Ettinger Cheryl  
19 Schroeder on behalf of Robert Blagojevich.

20 MR. GOLDSTEIN: Aaron Goldstein and Lauren  
21 Kaeseberg on behalf of Rod Blagojevich.

22 THE COURT: We have an inquiry from the jury,  
23 not a matter of inherently great significance, but  
24 I'm giving it to you anyway.

25 I'm assuming that the defendants are waiving

1 their presence?

2 MR. GILLESPIE: Yes, Your Honor.

3 MR. ETTINGER: Yes, Your Honor.

4 MR. SOROSKY: Yes.

5 THE COURT: Mr. Walker.

6 (Brief pause.)

7 THE COURT: If everyone has read this, you  
8 can all nod.

9 MR. SCHAR: Yes, Judge.

10 THE COURT: The answer to this question is  
11 obviously yes, it is possible, but I don't think  
12 that that's the meaning of the question. So we will  
13 begin with the views of counsel. We will start with  
14 Mr. Ettinger.

15 MR. ETTINGER: We are opposed to this, Judge.

16 THE COURT: There is one thing I want to say,  
17 were I to do this, they would receive all of the  
18 closing arguments, and I probably assume --

19 MR. GILLESPIE: Judge, we would be opposed to  
20 it on behalf of the Governor, as well, based upon  
21 the fact that that's not evidence, closing arguments  
22 are not evidence.

23 MR. SCHAR: Judge, I'm trying to think of  
24 some legal argument that would allow us to do this,  
25 but I think the government's position is no.

1           well, I guess the question is -- I mean, we  
2 certainly don't have an objection for all three of  
3 them going back, but they're not, technically,  
4 evidence.

:26AM 5           THE COURT: I would, under certain  
6 circumstances, be willing to do this, but I'm pretty  
7 sure I know why they want it, and that's why I'm  
8 inclined to believe that it is probably harmless.  
9 But it's, generally speaking, at these early stages  
:27AM 10 of it, not something we ought to do.

11           what I think what they're looking for is,  
12 this was a complex and repetitive indictment, which  
13 is not uncommon. Although, there were moments when  
14 I was reading for the fourth or fifth time the same  
:27AM 15 words to the jury that I was thinking, there must be  
16 some way to avoid this endless repetition.

17           So what I think they're looking for, and what  
18 the government largely gave them during certain  
19 points of its closing, was a roadmap, because  
:27AM 20 government realizes it's a complex indictment and  
21 you had to explain this to them.

22           I propose to answer this question by telling  
23 them that because the closing statements are not  
24 evidence, I am not sending it to them. If they are  
:28AM 25 unable to work their way through this without those

1 statements, I would expect that this issue will  
2 arise again, and if it does arise again then I'll  
3 deal with it again. But for now, I'm just going to  
4 tell them that because they're not evidence, they  
5 can't be given to them.

6 And I believe this is the position by consent  
7 of all the parties, am I correct?

8 MR. GILLESPIE: Yes, Your Honor.

9 MS. HAMILTON: Yes.

10 MR. ETTINGER: Yes, Your Honor.

11 MR. GOLDSTEIN: Yes. Thank you.

12 MR. SCHAR: Judge --

13 THE COURT: Before you go, I have indicated  
14 that during the period of deliberation, I will  
15 probably call the case each morning. This does not  
16 mean that everybody has to show up. I want one  
17 lawyer from each side. It's a practice I followed.  
18 I don't remember where I picked it up, but some time  
19 in my past life I was told the lawyer should always  
20 come into court at the beginning of the day when the  
21 jury deliberates because that's what everybody does.  
22 That's not what everybody does, but I think it's  
23 appropriate, and something might possibly come up at  
24 the last moment. So that's what we will do.

25 I assume you have been informed that the jury



1 has determined that, to the extent it is necessary,  
2 they will deliberate five days a week, they will not  
3 be taking Fridays off.

4 I have also indicated, in response to media  
5 inquiries, that there will, and I think almost  
6 inevitably, be some gap in time between the time  
7 that the jury tells us they have reached verdict or  
8 they tell us they are unable to reach a verdict and  
9 the time we actually come into court, I was thinking  
10 about somewhere between half an hour and an hour,  
11 and I believe what I'm going to try to do is one  
12 hour.

13 I have also received requests from the  
14 alternate jurors, I received them yesterday, that if  
15 it is all possible for them to do so, they would  
16 like to be present. So we're notifying them, too,  
17 in advance.

18 with that, I'll see you again when it's  
19 necessary to see you.

20 MR. ETTINGER: What time do you want us here  
21 in the morning, Judge?

22 THE COURT: I was thinking 9:30 would be a  
23 good time or 10:00. Whatever you would prefer. You  
24 can tell Mr. Walker if you have a consensus choice.

25 MR. SOROSKY: 9:30 okay?

1 THE COURT: 9:30 is okay.

2 All right?

3 MR. SCHAR: Thank you, Judge.

4 MR. SOROSKY: Thank you, Judge.

5

6

7 (which concluded the proceedings had on this  
8 date in the above entitled cause.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

:31AM

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

\* \* \* \* \*

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT  
FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED  
MATTER

/s/Blanca I. Lara

date

\_\_\_\_\_

\_\_\_\_\_

Blanca I. Lara

Date